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By: **Delegates Giannetti, Vallario, and Gladden**  
Introduced and read first time: February 9, 2001  
Assigned to: Judiciary

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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 20, 2001

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Crimes - Driving While License Revoked - Penalties**

3 FOR the purpose of ~~requiring~~ authorizing the Motor Vehicle Administration, on  
4 receiving notice of a conviction under certain provisions of the Maryland Vehicle  
5 Law of an individual whose license to drive is revoked, to extend the date before  
6 which the individual is not eligible for reinstatement ~~instead of assessing~~  
7 ~~certain points~~ for certain periods under certain circumstances; providing for  
8 certain procedures; providing that the Administration may not revoke a license  
9 that is currently revoked; providing for the application of this Act; and generally  
10 relating to an extension of a license revocation under certain circumstances for  
11 an individual who is convicted of certain offenses while the individual's license  
12 to drive is revoked.

13 BY repealing and reenacting, without amendments,  
14 Article - Transportation  
15 Section 11-128, 11-150, 16-402(a), and 27-101(h)  
16 Annotated Code of Maryland  
17 (1999 Replacement Volume and 2000 Supplement)

18 BY adding to  
19 Article - Transportation  
20 Section 16-402(c) and (d)  
21 Annotated Code of Maryland  
22 (1999 Replacement Volume and 2000 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
24 MARYLAND, That the Laws of Maryland read as follows:

Article - Transportation

11-128.

"License", as used in reference to the operation of a motor vehicle, means any:

- (1) Driver's license; and
- (2) Any other license or permit to drive a motor vehicle that is issued under or granted by the laws of this State, including:
  - (i) Any temporary license;
  - (ii) A learner's instructional permit;
  - (iii) A provisional license;
  - (iv) The privilege of any individual to drive a motor vehicle, whether or not that individual is formally licensed by this or any other jurisdiction;
  - (v) Any nonresident's privilege to drive, as defined in this subtitle;
  - (vi) A commercial driver's license.

11-150.

"Revoke", as used in reference to any license to drive a vehicle, means to terminate, by formal action of the Administration, an individual's license to drive a motor vehicle on highways in this State.

16-402.

(a) After the conviction of an individual for a violation of Article 27, § 388, § 388A, or § 388B of the Code, or of the vehicle laws or regulations of this State or of any local authority, points shall be assessed against the individual as of the date of violation and as follows:

- (1) Any moving violation not listed below and not contributing to an accident..... 1 point
- (2) Following another vehicle too closely.....2 points
- (3) Speeding in excess of the posted speed limit by 10 miles an hour or more .....2 points
- (4) Driving with an improper class of license .....2 points
- (5) Failing to stop for a school vehicle with activated alternately flashing red lights.....3 points

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1	(6)	Any violation of § 21-1111 of this article .....	2 points
2	(7)	Passing an emergency or police vehicle under the provisions	
3		of § 21-405(d) of this article.....	2 points
4	(8)	A violation of § 21-511(a) of this article .....	2 points
5	(9)	Failure to stop a vehicle for a steady red traffic signal in	
6		violation of § 21-202 of this article .....	2 points
7	(10)	Any moving violation contributing to an accident.....	3 points
8	(11)	Driving after suspension of license under the provisions of §	
9		17-106, § 26-204, § 26-206, or § 27-103 of this article, or under the traffic	
10		laws or regulations of another state as described in § 16-303(i) of this title .....	3 points
11	(12)	Any violation, except violations committed on the John F.	
12		Kennedy Memorial Highway, of § 21-1411 of this article .....	3 points
13	(13)	Speeding in excess of the posted speed limit by 30 miles an	
14		hour or more .....	5 points
15	(14)	Driving while not licensed.....	5 points
16	(15)	Failure to report an accident .....	5 points
17	(16)	Driving on a learner's permit unaccompanied.....	5 points
18	(17)	Any violation of § 17-107 of this article .....	5 points
19	(18)	Participating in a race or speed contest on a highway .....	5 points
20	(19)	Any violation of § 16-304 or § 16-305 of this title .....	5 points
21	(20)	Any violation of § 22-404.5 of this article .....	5 points
22	(21)	Speeding in excess of a posted speed limit of 65 miles an	
23		hour by 20 miles an hour or more .....	5 points
24	(22)	Reckless driving .....	6 points
25	(23)	Driving while under the influence of alcohol or while under	
26		influence of a drug, combination of drugs, or combination of drugs and	
27		alcohol .....	8 points
28	(24)	Turning off lights of a vehicle to avoid identification .....	8 points
29	(25)	Failing to stop after accident resulting in damage to	
30		attended vehicle or property.....	8 points

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1 (26) Failing to stop after accident resulting in damage to  
2 unattended vehicle or property..... 8 points

3 (27) Any violation of § 16-815 or § 16-816 of this title ..... 8 points

4 (28) Failing to stop after an accident resulting in bodily injury or  
5 death..... 12 points

6 (29) Driving after refusal, suspension, cancellation, or revocation  
7 of license except for suspensions of license under the provisions of § 17-106,  
8 § 26-204, § 26-206, or § 27-103 of this article, or under the traffic laws or  
9 regulations of another state as described in § 16-303(i) of this title ..... 12 points

10 (30) Any violation of § 16-301, § 16-302, § 16-804, or § 16-808(1)  
11 through (9) of this title..... 12 points

12 (31) Homicide, life threatening injury under Article 27, § 388B of  
13 the Code, or assault committed by means of a vehicle ..... 12 points

14 (32) Driving while intoxicated, while intoxicated per se, or while  
15 under the influence of illegally used controlled dangerous substance ..... 12 points

16 (33) Any felony involving use of a vehicle..... 12 points

17 (34) Fleeing or attempting to elude a police officer ..... 12 points

18 (35) The making of a false affidavit or statement under oath, or  
19 falsely certifying to the truth of any fact or information to the Administration  
20 under the Maryland Vehicle Law or under any law relating to the ownership  
21 or operation of motor vehicles ..... 12 points

22 (36) Any violation involving an unlawful taking or unauthorized  
23 use of a motor vehicle under Article 27, § 342A or § 349, or § 14-102 of this  
24 article..... 12 points

25 (C) (1) ~~INSTEAD OF ASSESSING POINTS, ON~~ ON RECEIVING A RECORD OF  
26 CONVICTION OF ANY MOVING VIOLATION BY AN INDIVIDUAL WHOSE LICENSE IS  
27 CURRENTLY REVOKED, THE ADMINISTRATION SHALL ISSUE TO THE INDIVIDUAL A  
28 NOTICE EXTENDING MAY EXTEND THE DATE BEFORE WHICH THE INDIVIDUAL IS  
29 ELIGIBLE FOR REINSTATEMENT AND, IF THE DATE IS EXTENDED, SHALL ISSUE TO  
30 THE INDIVIDUAL A NOTICE THAT:

31 (I) STATES THE DURATION OF THE EXTENSION OF THE LICENSE  
32 REVOCATION, DATING FROM THE DATE OF THE VIOLATION, DURING WHICH THE  
33 INDIVIDUAL'S LICENSE MAY NOT BE REINSTATED; AND

34 (II) ADVISES THE INDIVIDUAL OF THE RIGHT TO REQUEST A  
35 HEARING.

1 (2) A NOTICE ISSUED UNDER THIS SUBSECTION, AND A HEARING  
2 REQUESTED BY THE INDIVIDUAL, SHALL MEET THE REQUIREMENTS OF TITLE 12,  
3 SUBTITLE 2 OF THIS ARTICLE.

4 (3) THE ADMINISTRATION MAY EXTEND THE PERIOD OF A LICENSE  
5 REVOCATION UNDER THIS SUBSECTION FOR NOT MORE THAN ~~180 DAYS~~ THE PERIOD  
6 OF TIME SPECIFIED IN PARAGRAPH (4) OF THIS SUBSECTION:

7 (I) IF THE INDIVIDUAL DOES NOT REQUEST A HEARING AS  
8 PROVIDED BY TITLE 12, SUBTITLE 2 OF THIS ARTICLE;

9 (II) AFTER A HEARING, IF THE INDIVIDUAL IS DETERMINED TO  
10 HAVE BEEN CONVICTED OF A VIOLATION DESCRIBED IN THIS SUBSECTION WHILE  
11 THE INDIVIDUAL'S LICENSE TO DRIVE WAS REVOKED; OR

12 (III) IF THE INDIVIDUAL FAILS TO APPEAR FOR A HEARING  
13 REQUESTED BY THE INDIVIDUAL UNDER THIS SUBSECTION.

14 (4) THE ADMINISTRATION MAY EXTEND THE PERIOD OF LICENSE  
15 REVOCATION FOR NOT MORE THAN:

16 (I) 1 YEAR IF IT IS THE INDIVIDUAL'S FIRST VIOLATION;

17 (II) 18 MONTHS IF IT IS THE INDIVIDUAL'S SECOND VIOLATION; OR

18 (III) 2 YEARS IF IT IS THE INDIVIDUAL'S THIRD OR SUBSEQUENT  
19 VIOLATION.

20 (D) NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE, THE  
21 ADMINISTRATION MAY NOT REVOKE A LICENSE THAT IS CURRENTLY REVOKED.

22 27-101.

23 (h) Any person who is convicted of a violation of any of the provisions of §  
24 16-303(a), (b), (c), (d), (e), (f), or (g) of this article ("Driving while license is canceled,  
25 suspended, refused, or revoked"), § 17-107 of this article ("Prohibitions"), or § 17-110  
26 of this article ("Providing false evidence of required security") is subject to:

27 (1) For a first offense, a fine of not more than \$1,000, or imprisonment  
28 for not more than 1 year, or both; and

29 (2) For any subsequent offense, a fine of not more than \$1,000, or  
30 imprisonment for not more than 2 years, or both.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be  
32 construed only prospectively and may not be applied or interpreted to have any effect  
33 on or application to any conviction for a violation of the Maryland Vehicle Law for  
34 which a final judgment has been entered before the effective date of this Act.

35 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
36 October 1, 2001.

